

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**PENOVIA LLC,**

**Plaintiff,**

**v.**

**XEROX CORPORATION,**

**Defendant.**

**CIVIL ACTION NO. 2:13-cv-00427-JRG**

**JURY TRIAL DEMANDED**

**DEFENDANT XEROX CORPORATION'S UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO MOVE, ANSWER OR OTHERWISE  
RESPOND TO PLAINTIFF'S COMPLAINT**

Defendant Xerox Corporation (“Xerox”), without waiving any defenses set forth in FED. R. CIV. P. 12, respectfully moves the Court to extend the time within which Xerox is required to move, answer, or otherwise respond to Plaintiff’s Complaint by 15 days, to and including August 28, 2013. Plaintiff does not oppose this motion.

The parties are engaged in ongoing settlement discussions and have reached a settlement in principle. On August 13, the parties conferred about extending the answer deadline while the parties finalize a settlement agreement, and counsel for Plaintiff agreed to the extension. In light of the parties’ settlement in principle, and to avoid further litigation costs and to conserve judicial resources, Xerox requests, and Plaintiff is unopposed, to an extension of time for Xerox to answer or otherwise respond to the Plaintiff’s Complaint. Accordingly, this extension is sought for good cause as the parties finalize a settlement, and not for purposes of delay. Moreover, the parties will not be prejudiced by this extension.

For the foregoing reasons, Xerox respectfully prays that the time to answer, move or otherwise respond to Plaintiff’s Complaint be extended to and including August 28, 2013. A Proposed Order granting this unopposed motion is attached.

Date: August 13, 2013

Respectfully Submitted,

*/s/ Cono A. Carrano*

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Cono A. Carrano (*lead attorney*)

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**ATTORNEYS FOR DEFENDANT  
XEROX CORPORATION**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that counsel of record who are deemed to have consented to electronic service are being served this 13th day of August, 2013, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(d).

*/s/ Cono A. Carrano*  
Cono A. Carrano

**CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies that counsel for Plaintiff and counsel for Defendant conferred on August 13, 2013, regarding Defendant's Motion for an Extension of Time to Move, Answer or Otherwise Respond to Plaintiff's Complaint. Counsel for Plaintiff is not opposed to the relief sought by the motion.

*/s/ Cono A. Carrano*  
Cono A. Carrano